

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

CAPITAL ONE FINANCIAL CORPORATION,

*Plaintiff,*

V.

VELOCITY-BLACK.COM., *et al.*,

*Defendants.*

Civil Action No. 1:23-cv-861

## ORDER

This matter is before the Court on Plaintiff Capital One Financial’s Motion for Default Judgment on Counts I-III (the “Motion”), [Doc. No. 26], pursuant to Rule 55(b) of the Federal Rules of Civil Procedure. On January 31, 2024, the Magistrate Judge issued a report with proposed findings of fact and recommendations, [Doc. No. 31] (the “R&R”), recommending that default judgment be entered in favor of Plaintiff and against the Defendants for the maximum statutory amount recoverable, along with pre- and post-judgment interest. *See id.* at 19–20.

The Court conducted a *de novo* review of the evidence in this case and adopts and incorporates the findings and recommendations of the Magistrate Judge. The Court further finds that an award of \$2,000,000, the maximum damages that can be awarded for the use of counterfeit marks under 15 U.S.C. § 1117, is appropriate, because in addition to being willful, Defendants' use of Capital One's mark has been extensive and in furtherance of an effort to defraud Capital One customers.<sup>1</sup> See [Doc. No. 31] at 19. Accordingly, it hereby

<sup>1</sup> This Court has previously awarded maximum statutory damages for use of counterfeit marks when a defendant's counterfeit use "is sufficiently broad, extensive, blatant, and willful." *Playboy Enters., Inc. v. Asiafocus Int'l, Inc.*, 1998 WL 724000, at \*9 (E.D. Va. Apr. 10, 1998).

**ORDERED** that the Motion [Doc. No. 26] be, and the same hereby is, **GRANTED**; and it is further

**ORDERED** that any further motions for attorneys' fees and costs be filed within fourteen (14) days of this Order with appropriate supporting documentation.

The Clerk is directed to enter judgment in accordance with this Order in favor of Plaintiff pursuant to Fed. R. Civ. P. 58 and to forward copies of this Order to all counsel of record.

Alexandria, Virginia  
March 6, 2024

  
\_\_\_\_\_  
Anthony J. Trenga  
United States District Judge